

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

CIVIL APPLICATION NO. 1223 OF 2005
IN
SECOND APPEAL NO. 240 OF 2001

Office Notes, Office Memoranda
of of Coram, appearances, Court's
orders and Registrar's orders : Court's or Judge's orders

CORAM: P.V. KAKADE, J.

DATED: 22ND JULY, 2005

P.C.:

1. This is an application making dual prayer, one for expediting the hearing and for injunction against the original appellant. The application is made by applicants who are respondents in Second Appeal No. 240 of 2001 pending hearing. So far as expeditious hearing is concerned, the prayer cannot be granted at this stage as the appeal is of the year 2001. So far as the remaining prayer of injunction is concerned, it is submitted on behalf of the applicants-respondents that the respondent-appellant is trying to create charge on the suit property which is the subject matter of the suit for partition and concurrent findings are recorded by both the Courts below in favour of the

applicant-respondents. Document at Exh.A also shows that charge to the extent of 5,000/- was created by the respondent-appellant on the said land, however, in the course of hearing the learned counsel for the respondent-appellant submits that he does not intend to create any further charge as alleged by the present applicant to the extent of Rs.1,75,000/- or of any significant amount. In view of this statement made by the advocate, it is directed that the respondent-appellant shall not create any charge on the suit property without permission of this Court.

With this direction, the application stands disposed of.

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